

REMARKS

Claims 1-20 were pending in the above-captioned patent application prior to this amendment. Claims 1, 9, and 17 have been amended. Thus, claims 1-20 remain pending in the application after this amendment.

The Examiner rejected claims 17-20 under 35 U.S.C. § 112 as failing to particularly point out and distinctly claim the subject matter which the applicant regarded as the invention. The Examiner indicated that the word "space" had been omitted from claim 17. Thus, the word "space" has been added to claim 17 to cure the error noted by the Examiner.

The Examiner rejected claims 9, 14 and 15 under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent 8-132477 (referred to hereinafter as "Japanese '477"). Claim 9 has been amended to recite, among other things, "inserting an image-carrying sheet into a mold cavity . . . so that a top edge of the image-carrying sheet is positioned to lie below a radially extending shoulder portion of the mold cavity." Japanese '477 fails to disclose positioning a sheet as recited in amended claim 9. Figures 4 and 6 of Japanese '477 teach positioning a sheet so that the top edge of the sheet obstructs the shoulder portion of the mold cavity. Thus, Japanese '477 fails to anticipate each and every limitation of claim 9 or any claim dependent therefrom. Accordingly, claim 9, along with claims 10-16 which depend therefrom, are in condition for allowance and such action is respectfully requested.

The Examiner rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Japanese '477. This rejection is rendered moot due to the dependency of this claim from claim 9 which is in condition for allowance as discussed above.

The Examiner rejected claims 1-5, 8, 10, and 11 under 35 U.S.C. § 103(a) as being unpatentable over Japanese '477 in view of Japanese Patent 2000-6197 (referred to hereinafter as "Japanese '197"). As mentioned above, claims 10 and 11 depend from claim 9, which is in condition for allowance, and are allowable on at least this basis. Claim 1 has been amended to recite, among other things, "injecting molten plastic . . . resulting in the molded container having notches formed in a bottom edge of a main container wall of the container and extending radially all the way through the container wall to be open at a front surface and a back surface thereof." Japanese '477 neither discloses nor suggests stand-offs in the mold resulting in notches which extend "radially all the way through the container wall." This deficiency of the '477 patent is not cured by Japanese '197. In Japanese '197, the notch formed in the surface of the cup (line A in

Figures 1 and 6, as referenced by the Examiner) extends the entire height of the molded cup and, therefore, could not extend radially through the entire container wall or else the resultant cup would be incapable of retaining liquid. Thus, Japanese '477 and Japanese '197, either alone or in combination, neither teach nor suggest all of the limitations now recited in claim 1. Accordingly, claim 1, along with claims 2-8 which depend therefrom, are in condition for allowance and such action is respectfully requested.

The Examiner rejected claims 6, 7, 12, 13, and 17-20 under 35 U.S.C. § 103(a) as being unpatentable over Japanese '477 in view of Japanese '197 and U.S. Patent Application Publication No. 2005/0053737 to Raymond et al. (referred to hereinafter as "Raymond"). Claims 6 and 7 depend from claim 1, which is in condition for allowance as discussed above, and are allowable on at least this basis. Likewise, claims 12 and 13 depend from claim 9, which is in condition for allowance as discussed above, and are allowable on at least this basis. Claim 17 has been amended to recite, among other things, "the upper disk-like portion being situated between the top edge and the bottom edge of the image-carrying sheet and the lower disk-like portion being situated beneath the bottom edge of the sheet and beneath the lower portion of the plastic-receiving space." The Examiner admits that Japanese '477 and '197 lack the plastic-receiving space recited in claim 17. Office Action, page 3, lines 16-19. Raymond also fails to disclose a plastic-receiving space with the limitations recited in claim 17. Particularly, Raymond fails to disclose an upper disk-like portion (of the plastic-receiving space) situated between the top edge and the bottom edge of the image-carrying sheet. Rather, Raymond teaches a mold having disk-like portions that are above the top edge and below bottom edge of the image-carrying sheet (as is most apparent in Figs. 3 and 5 of Raymond), but not between the top and bottom edges. Thus, Japanese '477, Japanese '197, and Raymond, either alone or in combination, neither teach nor suggest all of the limitations now recited in claim 17. Accordingly, claim 17, along with claims 18-20 which depend therefrom, are in condition for allowance and such action is respectfully requested.

It should be noted that all positional words such as "above," "beneath," "top," "bottom," "between," etc. are with respect to the positions associated with a resulting container in its normal position. These words are not intended to limit the orientation of any molds or dies used to make a molded container. The examiner appears to have this same view of the claims as

evidenced by the citation of prior art references, such as Japanese '197 and Raymond, in which containers are molded in a sideways orientation.

In the event that there are any questions related to this amendment or to the application in general, the undersigned would appreciate the opportunity to address those questions directly in a telephone interview to expedite the prosecution of this application for all concerned. The Examiner is invited to call the undersigned at (317) 231-7341 to discuss any outstanding issues or concerns so that allowance of the present application may be expedited. It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged to the Account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to our file 3044-73785.

Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in black ink, reading "Ronald S. Henderson". The signature is written in a cursive, flowing style.

Ronald S. Henderson
Attorney Reg. No. 43669

Indianapolis, Indiana
317-231-7341